

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES H. GORBEY, JR., Administrator of the	:	
ESTATE OF MARISSA ROSE FISHMAN,	:	
deceased	:	Civil Action No.: 05cv211
Plaintiff,	:	
	:	
v.	:	
	:	
RICHARD LONGWILL, et al.	:	

**CROSSCLAIMS OF AIR BASE DISTRIBUTING, INC. AGAINST ASHLAND
CONSTRUCTION COMPANY, INC., JOSEPH RIZZO AND SONS CONSTRUCTION,
VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND CONSTRUCTION
COMPANY, INC., JOSEPH V. RIZZO AND VINCENT RIZZO**

CROSSCLAIMS AND/OR COUNTERCLAIMS FOR INDEMNITY/CONTRIBUTION

1. Answering defendants deny that they are liable to plaintiff in any respect.

However, in the event they are held liable to the plaintiff, then answering defendants crossclaim and/or counterclaim against Ashland Construction Company, Inc., Joseph Rizzo and Sons Construction, Vincent Rizzo Construction Co., Inc., d/b/a Ashland Construction Company, Inc., Joseph V. Rizzo and Vincent Rizzo, whose negligence was the primary cause of the damages sustained by the plaintiff and claims that answering defendants, if liable at all, are only secondarily liable. The answering defendants, therefore, are entitled to indemnification from Ashland Construction Company, Inc., Joseph Rizzo and Sons Construction, Vincent Rizzo Construction Co., Inc., d/b/a Ashland Construction Company, Inc., Joseph V. Rizzo and Vincent Rizzo.

2. In the event that answering defendants are held primarily liable to the plaintiff, then the alleged wrongful acts of Ashland Construction Company, Inc., Joseph Rizzo and Sons Construction, Vincent Rizzo Construction Co., Inc., d/b/a Ashland Construction Company, Inc., Joseph V. Rizzo and Vincent Rizzo are a contributing cause of the damages sustained by plaintiff

and the answering defendants are entitled to contribution in any amount which it may be required to pay the plaintiff as a result of Ashland Construction Company, Inc., Joseph Rizzo and Sons Construction, Vincent Rizzo Construction Co., Inc., d/b/a Ashland Construction Company, Inc., Joseph V. Rizzo and Vincent Rizzo's wrongful acts, based on the relative degrees of fault determined pursuant to the provisions of the Delaware Uniform Contribution Among Tortfeasors Law, 10 Del. C. § 6301 to § 6308.

WHEREFORE, Defendant, Air Base Distributing, Inc. respectfully requests this Honorable Court to enter judgment in its favor and against the Plaintiffs together with costs and fees.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Crossclaim was served upon the below-listed counsel of record this 7th day of June 2005, by electronic filing through the District Court:

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